

**TOWN OF BIG FLATS AGENDA
WEDNESDAY, AUGUST 24, 2016 AT 7:00 P.M.**

TOWN BOARD

CALL TO ORDER

CONCERNS OF THE PEOPLE

MINUTES – July 27, 2016 and August 10, 2016

UNFINISHED BUSINESS

Tentatively Local Law #4, Amendment to section 17.36.100” Recreation Parks,
Playground, and Open Space Requirements

NEW BUSINESS

Abstract of Audited Vouchers

Timber Harvest Permit Weaver / Ward

Postage Machine Lease

Communication Log

2nd Position under Civil Service Classification title “Clerk to the Town Justice”

Salary Change Building Inspector/CEO, Code Enforcement Officer

PROPOSED RESOLUTION NO. 01-082416
A RESOLUTION TO APPROVE TENTATIVELY LOCAL LAW #4,
AN AMENDMENT TO SECTION 17.36.100 "RECREATION PARKS, PLAYGROUNDS,
AND OPEN SPACE REQUIREMENTS"

Resolution by:
Seconded by:

WHEREAS, Section 17.36.100 of the Town Municipal Code is seriously out of date and not in conformance with Section 274-a (passed in 1992) of the NY Town law and also not in conformance with Baywater Realty & Capital Corp. v Planning Board of the Town of Lewiston, 76 NY2d 460 (1990)) which required that specific findings must be made by a planning board prior to requiring the reservation of parkland or imposition of a fee in lieu thereof and also not in compliance with the following US Supreme Court decisions: Dolan v. City of Tigard, 512 US 374 (1994) and City of Monterey v. Del Monde Dunes at Monterey, Ltd., 526 US 687 (1999), and

WHEREAS it is extremely important that our Code contains the requirement that specific findings must be made by a planning board prior to requiring the reservation of parkland or imposition of a fee in lieu thereof when considering the approval of residential subdivisions, and

WHEREAS, a public hearing regarding this proposed amendment was held August 24, 2016, and

WHEREAS for environmental review, a ministerial act is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, and

WHEREAS This proposed local law modifies our code by substituting present section 17.36.100 (A)(1) with the wording below as highlighted and it modifies section 17.336.100(C)(1) as highlighted below and with renumbering or lettering of subdivisions also as highlighted below and makes no changes in the rest of Section 17.36.100, now

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Big Flats hereby adopts the following as an amendment (as highlighted) to Section 17.36.100 of the Municipal Code of the Town of Big Flats effective immediately:

17.36.100 - Recreation parks, playgrounds, and open space requirements.

A. For an alternative dwelling park, PMRD, PUD, or multi-unit dwelling development.

1. Consistent with the Town of Big Flats Comprehensive Plan, a park, playground, and/or open space may be required for an alternative dwelling park, PMRD, any PUD that includes a residential component, or multi-unit dwelling development. Land for a park, playground or other recreational purposes **may not be required** until the planning board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the town and if such a case exists the site plan shall show a park or parks suitably located therein unless there are no suitable place for a park of adequate size. Such

findings shall include an evaluation of the present and anticipated future needs for a park(s) and recreational facilities in the Town based on projected population growth to which the **particular** subdivision plat will contribute.

17.36.100

C. Alternative for a Park, Playground, and Open Space Requirement.

1. In the event the planning board makes a finding pursuant to paragraph A(1) of this subdivision that the proposed site plan presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such site plan, the planning board may require a sum of money in lieu thereof to be established by the town board. In making such determination of suitability, the board shall assess the size and suitability of lands shown on the site plan which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the authorized board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this section, shall be deposited into a reserve fund to be used by the town exclusively for park, playground or other recreational purposes, including the acquisition of property.

2. When it is determined by the planning board that in an alternative dwelling park, multi-unit dwelling development, PUD, or PMRD, a park and/or playground is not practical due to the size, shape and/or the character of the development and the site plan shall be:

a. Referred to the town's park commission for review and report to the planning board regarding any public park and/or playground resource likely to be impacted and the effect the development may have on such public resource:

b. Referred to the town assessor who shall make a report to the planning board with a cost estimate of the per square foot value of the land being considered for an alternative dwelling park, multi-unit dwelling development, PUD, or PMRD based on current assessment data.

3. The information provided in the report received in accordance with subsection (C)(1) of this section shall be utilized by the planning board to validate any impact associated with an alternative dwelling park, multi-unit dwelling development, PUD, or PMRD on an existing public park and/or playground resource and to calculate a payment in lieu of park and/or playground land.

4. To calculate a required payment in lieu of park and/or playground land, multiply the required area in square feet of park and/or playground required in subsection B of this section times the per square foot value of the land as determined by the Assessor in subsection (C)(2)(b) of this section.

5. The above information shall be submitted to the Town Board for it to pass a resolution setting forth the sum to be collected.

6. When the provisions of subsection C of this section are invoked, the payment in lieu of park and/or playground land shall be made to the town prior to an approval of a preliminary subdivision plat or site plan.

7. If the land included in a site plan under review is a portion of a subdivision plat which has been reviewed and approved previously (See Section 276 of the NY Town Law), the planning board shall credit the applicant for any land set aside or money donated in lieu thereof under such subdivision plat approval. In the event of re-subdivision of such plat, nothing shall preclude the additional reservation of parkland or money donated in lieu thereof.

CARRIED: AYES:

NAYS:

PROPOSED RESOLUTION NO. 02-081016
A RESOLUTION TO APPROVE THE ABSTRACT OF AUDITED VOUCHERS FOR
AUGUST 24, 2016

Resolution by:

Seconded by:

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for August 24, 2016, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 25,685.76
HIGHWAY FUND	\$ 6,161.14
WATER DISTRICT #4	\$ 601.59
WATER DISTRICT #5	\$ 3,267.58
LIGHTING DISTRICT	\$ 518.41

CARRIED: AYES:

NAYS:

PROPOSED RESOLUTION NO. 03-082416

A RESOLUTION TO APPROVE WEAVER / WARD TIMBER HARVEST PERMIT,
PROPERTIES OWNED BY DANIEL S. WEAVER, 32 CROSS CREEK DRIVE, BIG FLATS,
NY 14814, #56.00-1-62.1, AND BRIAN WARD, 36 CROSS CREEK DRIVE, BIG FLATS,
NY 14814 #56.00-1-62.2,

Resolution by:

Seconded by:

WHEREAS a Timber Harvesting Application has been received from CF Cutting LLC (Justin Clark) at 106 Eachers Hollow Rd. Horseheads, NY 14845 to harvest a total of 17 acres to include a selective cut of timbers with diameters no less than 16", and

WHEREAS the Town Board finds this action to be an Unlisted Action under SEQRA and to have no significant effect on the environment based on the following facts:

1. The timber harvesting will begin between August 25, 2016 to September 25, 2016;
2. All roads will be graded and water bars installed at completion
3. The landing areas and all skid roads will be smoothed and free of debris, also the landing and skid roads will be seeded with a conservation mix after the harvest is complete; now

BE IT THERE FOR RESOLVED, the application for a timber harvesting permit submitted by CF Cutting LLC, is approved as follows:

1. The logging operation, as proposed, will involve trucks using Reasor Hollow Road to Owen Hollow Rd to I86. Trucks hauling logs will be required to display a valid safety inspection sticker on the windshield;
2. The transport of logs may only occur between the hours of 9:00am to 7:00pm daily with the exception that on days' public schools are in session the transport of logs may not occur between the hours of 1:30 and 4:30PM.
3. All roads shall be kept free of dust and debris created by the logging operation. The roadway will be inspected and cleaned by the logger on a daily basis as needed and must be cleaned when required by the Code Enforcement Officer as a result of any inspections.

Prior to Obtaining Permit

4. A performance guarantee in the form of a certified check for \$510.00 must be posted with the Code Enforcement Office before any timber harvesting may begin. The performance guarantee will be returned upon the satisfactory completion of all logging operations, compliance with conditions of this resolution, and a final inspection of the timber harvesting site by the Code Enforcement Officer, and a representative from Chemung County Soil and Water Conservation Service, if deemed necessary.
5. An approved Driveway/Curb-Cut and/or Road Permit must be obtained from the Town of Big Flats Department of Public Works **prior** to any transferring of heavy equipment or harvest lumber/materials.

Prior to any Logging Operations

6. Proof of Vehicle, General Liability, and Workers Compensation Insurance with minimum liability coverage for personal injury or death of \$1,000,000 and for property damage of \$250,000 for logging operations, unless authorized by the Town Board and the Town Attorney. The Town of Big Flats must be listed as an additional insured and said proof must be filed with the Code Enforcement Office at least 48 hours before commencing any logging operations. Said proof of insurance must be approved by the Town Attorney prior to commencement of work.
7. Notification, in the form of a letter and a copy of the map showing the approved logging area must be provided to all abutters.

During Harvesting Activity

1. The logger shall notify the Code Enforcement Officer within five days of completion to Coordinate onsite inspections.
2. The logging site shall be subject to periodic inspections by the Code Enforcement Officer, and Chemung County Soil & Water Conservation Service Representatives at any time during the course of the operation. These inspections will be done between 10:00am and 4:00pm.

CARRIED: AYES:

NAYS:

ABSENT:

PROPOSED RESOLUTION NO.04-082416
A RESOLUTION TO APPROVE THE LEASE FOR THE PITNEY BOWES MAIL MACHINE
AND SCALE "SENDPRO P1000 SERIES FOR 60 MONTHS

Resolution by: Smith
Seconded by: Gillette

WHEREAS the current term of the lease for the mail machine and scale is about to expire, and

WHEREAS three quotes were obtained from Pitney Bowes, and two quotes from Lineage, regarding Postage machines, with scale, and

WHEREAS proposals were discussed with Pitney Bowes and Postage Plus for the lease of a new mail machine and scale, including Meter Rental, Installation, Training, Maintenance and Rate Updates, and

WHEREAS the administration process Town is a Type 2 action for the purposes of SEQRA and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the lease for the Pitney Bowes Postage Machine, "SendPro P1000 Series" with 5lb. Scale Platform/Stand Postage Meter at a cost of \$267.93 per month National Joint Powers Alliance Agreement for 60 months.

CARRIED: AYES:
 NAYS

PROPOSED RESOLUTION NO. 05-081016

A RESOLUTION TO APPROVE THE COMMUNICATION LOG FOR AUGUST 10, 2016

Resolution by:

Seconded by:

BE IT RESOLVED that the following communications were received, accepted and filed by the Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for information and/or action:

August 17, 2016

Charter Communications– RE: August 17, 2016 Programming Notice Changes. *Referred to: Town Board, and filed with Town Clerk*

August 18, 2016

Big Flats Library Advocates RE: Thank you for the help and support with the 2016 Big Flats Garden Tour. *Referred to: Town Board, and filed with Town Clerk*

CARRIED: AYES:

NAYS:

PROPOSED RESOLUTION NO. 06-082416
A RESOLUTION REQUESTING CHEMUNG COUNTY/CITY OF ELMIRA REGIONAL
COMMISSION ALLOW THE TOWN TO HAVE A SECOND POSITION UNDER THE
TITLE OF CLERK TO THE TOWN JUSTICE

Resolution by:

Seconded by

WHEREAS, the Town Justices have requested that the Town of Big Flats allow the Town Court to have two employees under the Civil Service Classification of Clerk to the Town Justice, with one being assigned as the Town Justices need, and

WHEREAS, the Town of Big Flats has two Town Justices with a large caseload, and

WHEREAS, the Town has been advised by the Chemung County/ City of Elmira Regional Civil Service Commission that only one such position of Clerk to the Town Justice is allowed in a Town unless specifically permitted by Civil Service Commission, and that the Civil Service Commission must conduct a Public Hearing before allowing the creation of the second position under the title of Clerk to the Town Justice, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with EQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Big Flats does hereby request that the Chemung County/ City of Elmira Regional Civil Service Commission authorize the Town of Big Flats to have two positions under the title of Clerk to the Town Justice, and to request that Chemung County/ City of Elmira Civil Service undertake the steps necessary for the Town of Big Flats to have two Clerks to the Town Justice.

CARRIED: AYES:

NAYS:

PROPOSED RESOLUTION NO.07-082416

A RESOLUTION APPROVING THE FOLLOWING SALARY CHANGE IN THE POSITION OF BUILDING INSPECTOR/CEO, CODE ENFORCEMENT OFFICER THOMAS WHISPEL, WITH THE ADDITIONAL DUTIES OF STORMWATER AND FLOOD PLAIN OFFICERS TO RECEIVE A SALARY INCREASE RETROACTIVE TO AUGUST 1, 2016

Resolution by:

Seconded by

WHEREAS the Town Supervisor has done a review of the salary for this position with the extension of duties and responsibilities, and

WHEREAS the Town Supervisor has reviewed the additional new duties assigned to Thomas Whispel, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

THEREFORE, BE IT RESOLVED that the Town Board approves the following change in Building Inspector/CEO, Code Enforcement Officer Thomas Whispel's annual salary based on the new duties and responsibilities placed on his position retroactive to August 1, 2016 from \$44,908 to \$49,000.

CARRIED: AYES:

NAYS: